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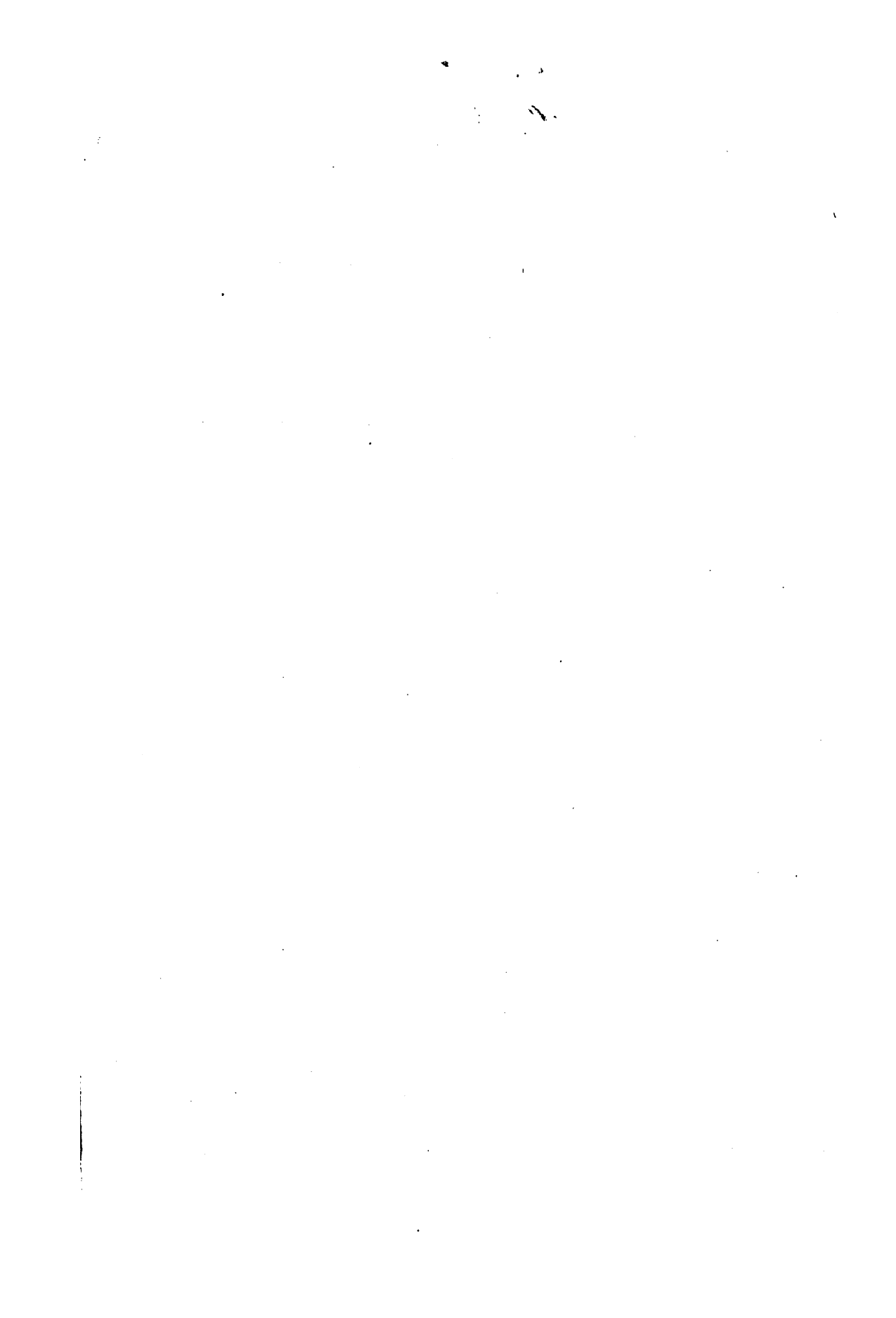
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FROM

Boston Athenaeum



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SPEECH

Dec 15th 1860

OF

B. A. Smith

HON. ROBERT TOOMBS,

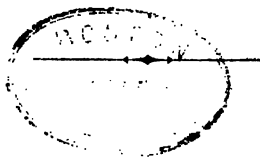
ON

THE CRISIS.

DELIVERED

BEFORE THE GEORGIA LEGISLATURE,

DECEMBER 7, 1860.



WASHINGTON:
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Boston Athenaeum

SPEECH
OF
HON. ROBERT TOOMBS,
ON
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DELIVERED
BEFORE THE GEORGIA LEGISLATURE,
DECEMBER 7, 1860.

GENTLEMEN OF THE GENERAL ASSEMBLY—I very much regret, in appearing before you at your request, to address you on the present state of the country, and the prospect before us, that I can bring you no good tidings. The stern, steady march of events has brought us in conflict with our non-slaveholding confederates upon the fundamental principles of our compact of Union. We have not sought this conflict; we have sought too long to avoid it; our forbearance has been construed into weakness, our magnanimity into fear, until the vindication of our manhood, as well as the defence of our rights, is required at our hands. *The door of conciliation and compromise is finally closed by our adversaries, and it remains only to us to meet the conflict with the dignity and firmness of men worthy of freedom.* We need no declaration of independence. Above eighty-four years ago our fathers won that by the sword from Great Britain, and above seventy years ago Georgia, with the twelve other confederates, as free, sovereign and independent States, having perfect governments already in existence, for purposes and objects clearly expressed, and with powers clearly defined, erected a common agent for the attainment of these purposes by the exercise of those powers, and called this agent the United States of America.

The basis, the corner stone of this Government, was the perfect equality of the free, sovereign and independent States which made it. They were unequal in population, wealth and territorial extent—they had great diversity of interests, pursuits, institutions and laws, but they had common interests,

mainly exterior, which they proposed to protect by this common agent—a constitutional united government—without in any degree subjecting their inequalities and diversities to federal control or action. Peace and commerce with foreign nations could be more effectually and cheaply cultivated by a common agent; therefore they gave the Federal Government the sole management of our relations with foreign governments. The conflicts of interests and the passions of rulers and people bring wars—their effectual prosecution and the common defence could be more certainly and cheaply attained by putting the power of each under the control of a common agent: hence the power of peace and war was given to the Government. These powers made armies, navies and foreign agents necessary—these could only be maintained by a common treasury. Besides, we had a large debt contracted at home and abroad in our war of independence; therefore the great power of taxation was conferred upon this Government. Conflicting commercial regulations of the different States shackled and diminished both foreign and domestic trade; hence the power to regulate commerce was conferred. We had a large common domain already added by the several States for the common benefit of all; purchase and war might make large additions to this common domain; hence the power over existing and future territories, with the stipulation to admit new States, was conferred. Being independent States in such close proximity, acts seriously affecting the tranquillity of some might be done by others; fugitives from labor and justice in one might seek sanctuary in others, producing strife and bloodshed and insecurity; therefore the power was conferred in the common agent, and the duty imposed by the compact upon each confederate to remedy these evils. These were the main objects for forming the Federal Government—the powers it possesses were conferred chiefly with the view of securing them. How have these great duties been discharged by the Federal Government and by our confederates?

The executive department of the Federal Government for forty-eight out of the first sixty years under the present Constitution was in the hands of southern Presidents, and so just, fair and equitable, constitutional and advantageous to the country was the policy which they pursued that their policy and administrations were generally maintained by the people. Certainly there was no just cause of complaint from the northern States—no advantage was ever sought or obtained by them for their section of the republic. They never sought to use a single one of the powers of the Government for the advancement of the local or peculiar interests of the South, and they all left office without leaving a single law on the statute book

where repeal would have affected injuriously a single industrial pursuit, or the business of a single human being in the South. But on the contrary, they had acquiesced in the adoption of a policy in the highest degree beneficial to northern interests. The principles and policy of these Presidents were marked by the most enlarged and comprehensive statesmanship, promoting the highest interests of the republic. They enlarged the domains of commerce by treaties with all nations, upon the great principle of equal justice to all nations, and special favors to none. They protected commerce and trade with an efficient navy in every sea. Mr. Jefferson acquired Louisiana, extending from the Balize to the British possessions on the north, and from the Mississippi to the Pacific ocean—a country larger than the whole United States at the time of the acknowledgment of their independence. He guaranteed the protection of the Federal Government by treaty to all the inhabitants of the purchased territory, in their lives, liberties, property and religion—sanctioned by law the right of all the people of the United States to emigrate into the territory with all of their property of every kind (expressly including slaves,) to build up new States, and to come into the Union with such constitutions as they might choose to make. Mr. Madison vindicated the honor of the nation, maintained the security of commerce, and the inviolability of the persons of our sailors by the war of 1812. Mr. Monroe acquired Florida from Spain, extending the same guarantee to the inhabitants which Mr. Jefferson had to those of Louisiana. General Jackson compelled France, and other nations of Europe, to do long deferred justice to our plundered merchants. Mr. Tyler acquired Texas by voluntary compact, and Mr. Polk California and New Mexico by successful war. In all their grand additions to the wealth and power of the republic, these statesmen neither asked nor sought any advantage for their own section; they admitted they were common acquisitions, purchased by the common blood and treasure, and for the common benefit of the people of the republic, without reference to locality or institutions. Neither these statesmen nor their constituents sought in any way to use the Government for the interest of themselves or their section, or for the injury of a single member of the confederacy. We can to-day open wide the history of their administrations and point with pride to every act, and challenge the world to point out a single act stained with injustice to the North, or with partiality to their own section.' This is our record; let us now examine that of our confederates.

The instant the Government was organized, at the very first Congress, the northern States evinced a general desire and purpose to use it for their own benefit, and to pervert its powers

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north of 36° 30', north latitude, and outside of the State of Missouri. This act of exclusion violated the express provisions of the treaty of 1802, to which the national faith was pledged; violated the well-settled policy of the Government, at least from Adams' administration to that day, and has, since slavery was adjudicated by the Supreme Court of the United States, violated the Constitution itself. When we acquired California and New Mexico this party, scorning all compromises, all concessions, demanded that slavery should be forever excluded from them, and all other acquisitions of the Republic, either by purchase or conquest forever. This position of this northern party brought about the troubles of 1850, and the political excitement of 1854. The South at all times demanded nothing but equality in the common Territories, equal enjoyment of them with their property, to that extended to northern citizens and their property—nothing more. They said, we pay our part in all the blood and treasure expended in their acquisition. Give us equality of enjoyment, equal right to expansion—it is as necessary to our prosperity as yours. In 1790 we had less than eight hundred thousand slaves. Under our mild and humane administration of the system, they have increased above four millions. The country has expanded to meet this growing want, and Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, and Tennessee have received this increasing tide of African labor; *before the end of this century, at precisely the same rate of increase, the Africans among us in a subordinate condition will amount to eleven millions of persons. What shall be done with them? We must expand or perish.* We are constrained by an inexorable necessity to accept expansion or extermination. Those who tell you that the Territorial question is an abstraction, that you can never colonize another Territory without the African slave trade, are both deaf and blind to the history of the last sixty years. All just reasoning, all past history, condemn the fallacy. The North understand it better—they have told us for twenty years that their object was to pen up slavery within its present limits—surround it with a border of free States, and like the scorpion surrounded by fire, they will make it sting itself to death. *One thing at least is certain, that whatever may be the effect of your exclusion from the Territories, there is no dispute but that the North mean it, and adopt it as a measure hostile to slavery upon this point.* They all agree, they are unanimous in Congress, in the States, on the rostrum, in the sanctuary—everywhere, they declare that slavery shall not go into the Territories. They took up arms to drive it out of Kansas; and Sharp's rifles were put into the hands of assassins by abolition preachers to do their work. Are they mistaken?

No, they are not. The party put it into their platform at Philadelphia—they have it the corner stone of their Chicago platform—Lincoln is on it—pledged to it. Hamlin is on it, and pledged to it; every abolitionist in the Union, in or out of place, is openly pledged, in some manner, to drive us from the common Territories. This conflict, at least, is irrepressible—it is easily understood—we demand the equal right with the North to go into the common Territories with all of our property, slaves included, and to be there protected in its peaceable enjoyment by the Federal Government, until such Territories may come into the Union as equal States—then we admit them with or without slavery, as the people themselves may determine for themselves. *Will you surrender this principle? The day you do this base, unmanly deed, you embrace political degradation and death.*

But this is only one of the points of the case; the North agreed to deliver up fugitives from labor. In pursuance of this clause of the Constitution, Congress, in 1797, during Washington's administration, passed a fugitive slave law; that act never was faithfully respected all over the North, but it was not obstructed by State legislation until within the last thirty years; but the spirit of hostility to our rights became more active and determined, and in 1850 that act was found totally insufficient to recover and return fugitives from labor; therefore the act of 1850 was passed. The passage of that act was sufficient to rouse the demon of abolition all over the North. The pulpit, the press, abolition societies, popular assemblages, belched forth nothing but implications and curses upon the South and the honest men of the North who voted to maintain the Constitution. And thirteen States of the Union, by the most solemn acts of legislation, wilfully, knowingly and corruptly perjured themselves and annulled this law within their respective limits. I say wilfully, knowingly and corruptly. The Constitution is plain; it was construed in 1793 by Washington and the Second Congress. In the Senate, the bill for the rendition of fugitives was unanimously passed, and nearly unanimously passed by the House of Representatives, and signed by Washington. All the courts of the United States, Federal and State, from the Supreme Court of the United States to the Justice Courts of all the States whose action have ever been under my notice, construed this Constitution to mean and intend the rendition of fugitive slaves by law of Congress, which might be aided, not thwarted by State legislation, until the decision of the Supreme Court of Wisconsin held otherwise, and that decision was unanimously overruled by Northern and Southern judges in the Supreme Court, and which court in the same case unanimously affirmed the constitutionality of the act of 1850. *But these acts were not only*

annulled by the abolition Legislatures, but annulled under circumstances of atrocity and aggravation unknown to the legislation of any civilized people in the world. Some of them punish us with penitentiary punishment as felons for even claiming our own slave within their limits, even by his own consent; others by ingenious contrivances prevent the possibility of your sustaining your rights in their limits, where they seek to compel you to go, and then punish you by fine and infamous punishments for asserting your rights and failing to get them. This is the fidelity of our brethren (!) to their plighted faith—their oft-repeated oaths! Yet some excellent people among us want some more of such securities for our rights, our peace and security. God Almighty have mercy upon these poor people, if they listen to such counselors. No arm of flesh can save them. Another one of our guarantees in the Constitution was, that fugitives from justice, committing crimes in one State and fleeing to another, should be delivered up by the State into which they might flee to the authorities of the State from whence they fled and where the crime was committed. This constitutional principle is nothing more than the law of nations necessary to the security and tranquillity of sovereignty, and so universally respected and acknowledged that we have treaties with all civilized nations by which that duty is mutually secured in all high crimes (political excepted,) and it is every day executed by us and for us under their treaties. But as early as 1837 or '38 two citizens of Maine came to Savannah, stole a slave, fled to Maine, and two successive Governors refused to deliver up the culprits, the real grievance being that they had only stolen slaves—a pious work, rather to be encouraged than punished. Georgia demanded, remonstrated, threatened, and submitted to the wrong.

It is true the Legislature authorized the Governor to call a convention of the people to take into consideration the mode of redress. But what are called moderate, wise counsels prevailed. Excellent conservative—aye, that's the word!—conservative men advised us not to disturb the glorious Union about so small a matter; we submitted, and submission brought its legitimate fruits. Within a year or two after a similar case occurred with New York, while Seward was Governor. He refused, and attempted to cover himself under the idea that there could be no property in slaves. Virginia made the same demand on him with like results and like submission; and from that day to this that constitutional right has been practically surrendered in the case of negro stealing. But our Northern brethren, having in this case, as in all others, gained an inch, demanded an ell. We still fancied that if this provision of the Constitution would no longer pro-

tect our property it would protect our lives. Vain and foolish hope! Last year John Brown made a raid on Virginia. He went with torch and rifle, with the purpose of subverting her government, exciting insurrection among her slaves, and murdering her peaceable inhabitants; he succeeded only in committing murder and arson and treason. One of his accomplices (a son) escaped to Ohio, was demanded, and the Governor of Ohio refused to give him up; another fled to Iowa; he, too, was demanded, and refused. It is true both of these miscreants (the Governors of these States) attempted to cover their plain violation of the Constitution and their oaths with flimsy pretexts about formalities, but they failed to hide from us the great fact that it was sympathy with the cause of John Brown which gave sanctuary to his confederates. If these men had have fled to Great Britain or France, we would have received them back and inflicted upon them the just punishment for their infamous crimes under our treaties. But they were wiser; they fled among our brethren; we had no treaty with them; we had only a Constitution and their oaths of fidelity to it. It failed us, and their murderers are free, ready again to apply the incendiary's torch to your dwelling and the assassin's knife and the poisoned bowl to you and your family. Do you not love these brethren? Oh, what a glorious Union! especially "to insure domestic tranquillity."

I have shown you what this party has done and declared in the national counsels, in the State Legislatures, by and through their executive departments. Let us examine what they are at as private citizens. By the law of nations, founded on natural justice, no nation nor the subjects or citizens of any nation, have the right to disturb the peace or security of any other nation of people, much less to conspire, excite insurrection, discontent or the commission of crimes among them, and all these are held to be good causes of war. *For twenty years this party has, by abolition societies, by publications made by them, by the public press, through the pulpit and their own legislative halls, and every effort—by reproaches, by abuse, by villification, by slander—to disturb our security, our tranquillity—to excite discontent between the different classes of our people, and to excite our slaves to insurrection. No nation in the world would submit to such conduct from any other nation.* I will not willingly do so from this abolition party. I demand the protection of my State government, to whom I owe my allegiance. I wish it distinctly understood that it is the price of my allegiance. You are here, constitutional legislators—I make the demand to-day of you. Gentlemen, I have thus shown you the violations of our constitutional rights by our confederates; I have shown you that they are plain, palpable, deliberate and dangerous; that they

are committed by the executive, legislative and judicial departments of the State governments of our confederates—that all their wrongs are approved by the people of these States. I say the time has come to redress these acknowledged wrongs, and to avert even greater evils of which these are but the signs and symbols. But I am asked, why do you demand action now? The question is both appropriate and important—ought to be frankly met. The abolitionists say you are raising a clamor because you were beaten in the election. The falsity of this statement needs no confirmation. Look to our past history for its refutation. Some excellent citizens and able men in Georgia say the election of any man constitutionally is no cause for a dissolution of the Union; that position is calculated only to mislead, and not to enlighten. It is not the issue. I say the election of Lincoln, with all of its surroundings, is sufficient. What is the significance of his election? It is the endorsement by the non-slaveholding States of all those acts of aggression upon our rights by all these States, Legislatures, Governors, Judges and people. He is elected by the perpetrators of these wrongs with the purpose and intent to aid and support them in wrong-doing.

Hitherto the Constitution has had on its side the Federal Executive, whose duty it is to execute the laws and Constitution against those malefactors. It has earnestly endeavored to discharge that duty. Relying upon its power and good faith to remedy these wrongs, we have listened to conservative counsels, trusting to time—to the Federal Executive and to a returning sense of justice in the North. The Executive has been faithful—the Federal Judiciary has been faithful—the President has appointed sound judges, sound marshals and other subordinate officers, to interpret and to execute the laws. With the best intentions they have all failed—our property has been stolen—our people murdered—felons and assassins have found sanctuary in the arms of the party which elected Mr. Lincoln. The executive power, the last bulwark of the Constitution to defend us against these enemies of the Constitution, has been swept away, and we now stand without a shield, with bare bosoms presented to our enemies, and we demand at your hands the sword for our defence, and if you will not give it to us, we will take it—take it by the divine right of self-defence, which governments neither give nor can take away. Therefore, redress for past and present wrongs demands resistance to the rule of Lincoln and his abolition hoard over us; he comes at their head to shield and protect them in the perpetration of these outrages upon us, and what is more, he comes at their head to aid them in consummating their avowed purposes by the power of the Federal Government. Their main purpose, as indicated by all their acts of

hostility to slavery, is its final and total abolition. His party declare it; their acts prove it. He has declared it; I accept his declaration. The battle of the irrepressible conflict has hitherto been fought on his side alone. We demand service in this war. Surely no one will deny that the election of Lincoln is the endorsement of the policy of those who elected him, and an endorsement of his own opinions. The opinions of those who elected him are to be found in their solemn acts under oath—in their State governments, endorsed by their constituents. To them I have already referred. They are also to be found in the votes of his supporters in Congress—also endorsed by the party by their return. Their opinions are to be found in the speeches of Seward, and Sumner, and Lovejoy, and their associates and confederates in the two Houses of Congress. Since the promotion of Mr. Lincoln's party, all of them speak with one voice, and speak trumpet-tongued their fixed purpose to outlaw four thousand millions of our property in the Territories, and to put it under the ban of the empire in the States where it exists. *They declare their purpose to war against slavery until there shall not be a slave in America, and until the African is elevated to a social and political equality with the white man. Lincoln endorses them and their principles, and in his own speeches declares the conflict irrepressible and enduring, until slavery is everywhere abolished.*

Hitherto they have carried on this warfare by State action, by individual action, by appropriation, by the incendiary's torch and the poisoned bowl. They were compelled to adopt this method because the Federal Executive and the Federal Judiciary were against them. *They will have possession of the Federal Executive with its vast power, patronage, prestige of legality, its army, its navy, and its revenue on the 4th of March next. Hitherto it has been on the side of the Constitution and the right; after the 4th of March it will be in the hands of your enemy. Will you let him have it?* (Cries of "No, no. Never.") Then strike while it is yet to-day. Withdraw your sons from the army, the navy, and every department of the federal public service. Keep your own taxes in your own coffers; buy arms with them and throw the bloody spear into this den of incendiaries and assassins, and let God defend the right. But you are advised to wait, to send soft messages to their brethren, to beg them to relent, to give you some assurances of their better fidelity for the future. What more can you get from them under this Government? You have the Constitution—you have its exposition by themselves for seventy years—you have their oaths—they have broken all these, and will break them again. They tell you, everywhere, boldly and defiantly, you shall have no power,

no security, until you give up the right of governing yourselves according to your own will—until you submit to theirs. For this is the meaning of Mr. Lincoln's irrepressible conflict; this is his emphatic declaration to all the world. Will you heed it? For myself, like the Athenian Ambassador, I will take no security but this—that it shall not be in the power of our enemies to injure my country if they desire it. *Nothing but ruin will follow delay. The enemy, on the 4th of March, will intrench himself behind a quintuple wall of defence. Executive power, Judiciary—Mr. Seward has already proclaimed its reformation—army, navy, and treasury.—Twenty years of labor, and toil, and taxes, all expended upon preparation, would not make up for the advantage your enemies would gain if the rising sun on the 5th of March should find you in the Union.* Then strike, strike while it is yet time.

But we are told that secession would destroy the fairest fabric of liberty the world ever saw, and that we are the most prosperous people in the world under it. The arguments of tyranny, as well as its acts, always re-enact themselves. *The arguments I now hear in favor of this Northern connection are identical in substance, and almost in the same words, as those which were used in 1775 and 1776 to sustain the British connection.* We won liberty, sovereignty, and independence by the American Revolution; we endeavored to secure and perpetuate these blessings by means of our Constitution. The very men who use these arguments admit that this Constitution, this compact, is violated, broken, and trampled under foot by the Abolition party. Shall we surrender the jewels because their robbers and incendiaries have broken the casket? Is this the way to preserve liberty? I would as lief surrender it back to the British crown as to the Abolitionists. I will defend it from both. Our purpose is to defend these liberties. What baser fate could befall us, or this great experiment of free government, than to have written upon its tomb, "Fell by the hands of Abolitionists and the cowardice of its natural defenders." If we quail now this will be its epitaph.

We are said to be a happy and prosperous people. We have been, because we have hitherto maintained our ancient rights and liberties—we will be until we surrender them. They are in danger; come, freemen, to the rescue. If we are prosperous it is due to God, ourselves and the wisdom of our State government. We have an executive, legislative and judicial department at home, possessing and entitled to the confidence of the people. I have already vainly asked for the law of the Federal Government that promotes our prosperity. *I have shown you many that retard that prosperity—many that drain our coffers for the benefit of our bitterest foes. I say bitterest foes—show me the nation in the world that hates, despises, vil-*

lives and plunders us like our abolition "brethren" in the North. There is none. I can go to England or France, or any other country in Europe, with my slave, without molestation or violating any law. I can go anywhere except in my own country, whilom called "the glorious Union; here alone am I stigmatized as a felon; here alone am I an outlaw; here alone am I under the ban of the empire; here alone I have neither security nor tranquility; here alone are organized governments ready to protect the incendiary, the assassin who burns my dwelling or takes my life or those of wife and children; here alone are hired emissaries, paid by brethren to glide through the domestic circle and instigate insurrection, with all of its nameless horrors. My countrymen, "if you have nature in you bear it not." Withdraw yourselves from such a confederacy; it is your right to do so; your duty to do so. I know not why the abolitionists should object to it, unless they want you to torture and plunder you. If they resist this great sovereign right, make another war of independence, for that then will be the question; fight its battles over again; reconquer liberty and independence. As for me, I will take any place in the great conflict for rights which you may assign. I will take none in the Federal Government during Mr. Lincoln's administration.

If you desire a Senator after the 4th of March you must elect one in my place. I have served you in the State and national counsels for nearly a quarter of a century, without once losing your confidence. I am yet ready for the public service when honor and duty call. I will serve you anywhere where it will not degrade and dishonor my country. Make my name infamous forever, if you will, but save Georgia. I have pointed out your wrongs, your danger, your duty. You have claimed nothing but that rights be respected, and that justice be done. Emblazon it on your banner, fight for it, win it, or perish in the effort.



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